

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Applicant: Rikke STAVNSBJERG et al.  
Title: FROZEN LACTIC ACID BACTERIA CULTURE OF INDIVIDUAL PELLETS  
Appl. No.: 10/590,153  
International Filing Date: 02/24/2005  
371(c) Date: 4/16/2007  
Examiner: Unassigned  
Art Unit: 1651  
Confirmation Number: 2481

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

An English translation of the claims of references A4 – DE 28 05 676 and A5 – FR 2 393 251 are submitted herewith. A full English translation of these foreign-language documents is not readily available. However, the absence of a full translation does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date 16 April 2007

By Stephen A. Bent

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>Date Submitted: April 16, 2007<br><br><i>(use as many sheets as necessary)</i> |   |    |   | Application Number       | 10/590,153        |
|  |   |    |   | Filing Date              | 2/24/2005         |
|  |   |    |   | First Named Inventor     | Rikke STAVNSBJERG |
|  |   |    |   | Art Unit                 | 1651              |
|  |   |    |   | Examiner Name            | Unassigned        |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | 030427-0110       |

| U.S. PATENT DOCUMENTS    |                       |   |                                |  |   |                |
|--------------------------|-----------------------|---|--------------------------------|--|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Document Number   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document  | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |                |
|                          |                       | Number-Kind Code <sup>2</sup> (if known)  |                                |  |   |                |
|                          | A1                    | 4 140 800   | 2/20/1979                      | KLINE  |   |                |
|                          |                       |   |                                |  |   |                |
| FOREIGN PATENT DOCUMENTS |                       |   |                                |  |   |                |
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |  |   |                |
|                          | A2                    | WO 2004/065584  | 8/5/2004                       | CHR-HANSEN A/S                                   |   |                |
|                          | A3                    | WO 00/39281   | 7/6/2000                       | CHR HANSEN A/S                                   |   |                |
|                          | A4                    | DE 28 05 676  | 2/10/1978                      | CHR HANSEN'S LABORATORIUM                        |   |                |
|                          | A5                    | FR 2 393 251  | 2/13/1978                      | CHR. HANSEN'S LABORATORIUM                       |   |                |
|                          | A6                    | EP 0 259 739  | 3/16/1988                      | MILES LABORATORIES INC.                          |   |                |

| NON PATENT LITERATURE DOCUMENTS |                       |  |                |
|---------------------------------|-----------------------|--|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |
|                                 | A7                    | Yrjo H. ROOS, "PHASE TRANSITIONS IN FOODS", Food science and technology, 10/9/2002, pp. 99-101.  |                |
|                                 | A8                    | F.J. CHAVARRI et al., "CRYOPROTECTIVE AGENTS FOR FROZEN CONCENTRATED STARTERS FROM NON-BITTER STREPTOCOCCUS LACTIS STRAINS", Biotechnology Letters, Vol. 10, No. 1, 11-16, (1988).   |                |
|                                 | A9                    | R. CARCOBA et al., "Influence of cryoprotectants on the viability and acidifying activity of frozen and freeze-dried cells of the novel starter strain <i>Lactococcus lactis</i> ssp. <i>Lactis</i> CECT 5180", EUR FOOD RES TECHNOL (2000), 211: 433-437.     |                |
|                                 | A10                   | FOOD CHEMISTRY THIRD EDITION, edited by Owen R. Fennema, University of Wisconsin—Madison, WI, pp. 55-87.   |                |
|                                 | A11                   | INTERNATIONAL IDS STANDARD 146A:1998, YOGHURT IDENTIFICATION OF CHARACTERISTIC MICROORGANISMS (LACTOBACILLUS DELBRUECKII SUBSP. BULGARICUS AND STREPTOCOCCUS THERMOPHILUS), IDF General Secretariat, December 1997. pp. 1-6.                                   |                |
|                                 | A12                   | Yrjo ROOS et al., "A Research Note Phase Transitions of Amorphous Sucrose and Frozen Sucrose Solutions", Journal of Food Science, Vol. 56, No. 1, 1991, pp. 266-267.   |                |

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|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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